ORIGIN/ACTION
L-2

IM/C	REP	AF
2		
ARA	EUR	FE
	3	2
NEA	CU	INR
		5
E	P	IO
L	FBO	AID
	U/PR	SCA
	1	1
AGR	COM	FRB
INT	LAB	TAR
TR	XMB	AIR
ARMY	CIA	NAVY
OSD	USIA	NSA

50

DEPARTMENT OF STATE

AIRGRAM

611.94421/7-562
XR 641.94421

FOR RM USE ONLY

A-10
NO.

OFFICIAL USE ONLY
HANDLING INDICATOR

TO : DEPARTMENT OF STATE

1962 JUL 7 AM 9 27

USIB RESTRICTION ENCLOSED

Reply to Tokyo
LEGAL ADVISER
Drafted 7/19/62
JUL 12 1962
File L/A Affairs
DEPARTMENT OF STATE

DEPARTMENT OF STATE A/CDC/MR
ANALYSIS DISTRIBUTION BRANCH
REVIEWED BY DH DATE 3 MAY 1982
DATE: July 5, 1962
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS
DECLASSIFIED RELEASABLE
RELEASE DENIED
PA or FOI EXEMPTIONS

FROM : Amembassy TOKYO

SUBJECT : The Consular Convention

REF :

The June 28th edition of the Yomiuri Shimbun carried a rather detailed account of the current status of US/Japan Consular Convention negotiations. Quoting Foreign Office sources, the Yomiuri noted that the convention would probably be signed within the year and that its conclusion would eliminate certain discriminatory practices against Japanese consuls in the United States. A copy of the article is enclosed in translation.

The Embassy does not propose to comment on this article nor on its factual inaccuracies but if queried by the Japanese press will simply state that negotiations are proceeding satisfactorily and that it is hoped that the convention can be successfully concluded in the near future.

Comment:

The Embassy considers the Foreign Office comments on the consular convention to be a tactical move to speed up negotiations. There have been recent indications that the Foreign Office is anxious to conclude the convention as rapidly as possible because it is now engaged in preliminary negotiations with the British Embassy on a consular convention and reportedly desires to use the US/Japan convention as a pattern for these negotiations.

Ralph J. Blake
Counselor for Consular Affairs

FILED
AUG - 3 1962

Enclosure: atd

June 28 article in the Yomiuri Shimbun on the US/Japan Consular Convention.

OFFICIAL USE ONLY

FORM 4-62 DS-323

FOR DEPT. USE ONLY
In Out

Drafted by: CON: HMHolland:mi

Contents and Classification Approved by: RJBlake

Clearances: POL: Mr. Goodyear Press Attache: Mr. Ayres

A-71 To Tokyo

DECLASSIFIED

A-10

DECLASSIFIED

YOMIURI June 28, 1962

Japan-U.S. Consular Treaty Likely to be Concluded

The Foreign Ministry, which has been negotiating with America for conclusion of a Japan-U.S. Consular Treaty since April 1953, has finally come close to an agreement after nine years of negotiations, and the signing of the Treaty is likely to take place within this year. The Foreign Ministry, having decided to conclude a similar consular treaty with Britain, too, has started negotiations for that purpose. Hitherto, Japan has not concluded a consular treaty with any country. Especially toward America, Japan has recognized diplomatic immunity for the U.S. Consuls in Japan, but America does not recognize that for the Japanese Consuls in the United States, and this discriminatory treatment against the Japanese Consuls has posed a problem.

Since Japan has not concluded consular treaties with foreign countries, the Japanese Consuls abroad have not acquired immunity from taxation and trials which are accorded to diplomats. Especially, in its relationship with America, Japan has given the U.S. Consuls in Japan diplomatic privileges equivalent to those for the Embassy officers, but the United States does not give diplomatic privileges to the Japanese Consuls in some ten places in the United States, except for some States. In the States of NewYork and California, discriminatory treatment is especially conspicuous. These States, however, will certainly amend their treatment of the Japanese Consuls by revising their State laws, if the Federal Government concludes a treaty with Japan. Therefore, the Foreign Ministry this year strongly requested the U.S. Government, through the U.S. Embassy in Japan, to make concessions in the negotiations for conclusion of a consular treaty which have been continued since April 1953. The Japanese side has sent its final plan to the United States, and is awaiting the final reply from the U.S. side. Thus, the prospects are that the two countries have virtually come to the stage of reaching an agreement. Incidentally, America has concluded consular treaties with only a very few countries, such as Britain and West Germany.

One of the reasons for the protraction of the negotiations lies on the Japanese side. The reason is that the Finance Ministry has been disinclined to stipulating in a treaty diplomatic exemption from some of the local taxes, including the amusement, eating and drinking tax, for foreign Consulate officials in Japan. Recently, however, the Finance Ministry conceded on this point, and the Finance Ministry and the Foreign Ministry have reached an agreement.

As there have appeared fair prospects of the negotiations on a Japan-U.S. Consular Treaty, the Foreign Ministry has started negotiations with Britain to conclude a similar treaty with Britain. The Foreign Ministry is expected to propose negotiations with other major countries where there are Japanese Consulates. The points of agreement reached by Japan and the United States in connection with a Japan-U.S. Consular Treaty are as follows:

DECLASSIFIED

DECLASSIFIED

Diplomatic immunity for Consul:

(1) Exemption from income tax, real estate tax, municipal property tax, and customs duties.

(2) Exemption in principle from trial on crimes in line of duty.

Duties of Consul:

(1) In case a ship of his own country meets with disaster in the territorial waters of the country which is signatory to the Treaty, the Consul can take custody of or dispose of the ship and its cargoes in place of the shipowner together with the other country.

(2) In case a national of his own country dies in a foreign country, the Consul can take charge of the articles left behind and send them to the home country.

(3) In case a national of his own country commits a crime in a foreign country, the Consul can see the criminal and take such measures as assigning a counsel.

DECLASSIFIED